

REMARKS

In response to the Official Action dated December 2, 2002, Applicant amends the application and requests reconsideration. In the Amendment, claims 1 and 10 have been amended. No new matter has been added. Claims 1-18 are now pending and under examination.

The amendment of claim 10 is supported by the application as originally filed (see, for example, page 5, lines 9-12; and Figures 1 and 2).

The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the claimed invention. The term “turnbuckle” recited in claim 1 was objected to as not shown in the drawings. Applicant respectfully requests reconsideration of this objection, because the turnbuckle is not a feature of the claimed invention. 37 CFR 1.83(a) requires that “[t]he drawing in a nonprovisional application must show every feature of the invention specified in the claims” (emphasis added). However, not every term recited in a claim is a feature of the claimed invention. In the present application, claim 1 recites the feature of a receiving chamber for a turnbuckle. In other words, the receiving chamber is a feature of claim 1, but the turnbuckle is not. The term “turnbuckle” is used only to define the type of receiving chamber. Therefore, there is no need to show a turnbuckle in the drawings.

Regarding another feature of claim 1, “guides pointing toward the interior of the supporting profile,” Applicant respectfully submits that this feature is shown in Figures 2, 4, 6 and 8-10 but is not assigned a reference numeral. Applicant has amended Figure 4 to designate the guides with reference numeral 30. The specification has also been amended accordingly. Attached is a proposed amendment to Figure 4, approval of which is respectfully requested. Applicant will file formal drawings when the amendment to Figure 4 is approved.

According to the Office Action, Figure 6 does not show “laterally spread open.” Applicant respectfully submits that Figure 6 shows that the attachment 16 and clamping piece 17 are laterally spread open by the two clamping screws

21 so that the attachment 16 and clamping piece 17 are jammed inside the groove 2. This is indicated by the gap between the attachment 16 and clamping piece 17 shown in Figure 6.

The Examiner stated that Figure 9 does not show “unattractive wedge-shaped space” or “end disk.” Applicant respectfully submits that Figure 9 shows the circumferential edges of the two end disks. However, because of the view angle, Figure 9 does not show most of the end disks. But the end disks are clearly shown in Figures 10-12.

The Examiner stated that Figures 10-12 do not shown how the end disk 24 has two openings 27 through which the screws can pass through and can be screwed into the openings 7 since according to the Office Action, the openings 7 are perpendicular to the openings 27. Applicant respectfully submits that the openings 27 can be aligned with the openings 7 when the end disk 24 shown in Figure 12 is placed over the circular open end of the supporting profile 1 shown in Figure 10.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). According to the Office Action, reference numeral 9 is not shown in Figures 5 and 6. 37 CFR 1.84(p)(5) requires that “reference characters mentioned in the description must appear in the drawings.” Applicant respectfully submits that the drawings of the present application meet the requirements of 37 CFR 1.84(p)(5) because reference numeral 9 is shown in Figures 2 and 3.

The specification was objected to for incorporation of essential material in the description of Figure 9 in foreign language. Applicant assumes that the Examiner was referring to DE-U 298 21 204. This objection is respectfully traversed. The turnbuckle described in DE-U 298 21 204 is known to one of ordinary skill in the art. DE-U 298 21 204 is only used as an example. Therefore, the disclosure of DE-U 298 21 204 is not essential to the description of the turnbuckle.

The specification was also objected to for failing to provide antecedent basis of the limitation “guides pointing toward the interior” in claim 1. Applicant has amended the specification to include a description of this limitation.

Claims 1-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims to overcome the rejection.

Claims 1-7 and 10-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Monti (U.S. Patent 4,410,157). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim 1 recites an adapter piece having a receiving chamber for a turnbuckle, and a disk-shaped end piece connected to the adapter piece, wherein the adapter piece is held by securing devices that are inserted in bores penetrating the guides.

The Examiner stated that Figure 3 of Monti discloses the features of claim 1. The system shown in Figure 3 of Monti includes an end cap 46 that has a plug portion 48 and a face portion 52, wherein “[t]he plug portion 48 is integral with [the] face portion 52 which ... is secured by means of threaded fasteners 54 passing through holes 56 ... to secure the same in position” (quote from Monti). According to the Office Action, the plug portion 48 of Monti is equivalent to the adapter piece of claim 1, and the face portion 52 is equivalent to the disk-shaped end piece of claim 1. Applicant respectfully disagrees.

First, the adapter piece of claim 1 has a receiving chamber for a turnbuckle. In the embodiment shown in Figures 1-4, for example, the receiving chamber 23 has a rectangular configuration for receiving the turnbuckle 9 shown in Figure 1 of DE-U 298 21 204. The plug portion 48 (i.e. the alleged adapter piece) of Monti does not have such the receiving chamber of claim 1. The plug portion 48 apparently has only a threaded bore 66 for receiving a T-bolt 82. The face portion 52 (i.e. the alleged disk-shaped end piece) of Monti has a triangular

recess 58 also for receiving a T-bolt 82. However, neither the threaded bore 66 nor the recess 58 can be used to receive a turnbuckle, such as the turnbuckle 9 shown in Figure 1 of DE-U 298 21 204. Therefore, Monti does not disclose a adapter piece with a receiving chamber for a turnbuckle.

Additionally, claim 1 recites that the adapter piece is held by securing devices that are inserted in bores penetrating the guides. The plug portion 48 (i.e. the alleged adapter piece) of Monti is neither secured by securing devices nor secured to the bores of guides. Actually, “[t]he plug portion 48 is integral with [the] face portion 52 which ... is secured by means of threaded fasteners 54 passing through holes 56 ... to secure the same in position” (quote from Monti). In other words, in Monti, it is the face portion (i.e. the alleged disk-shaped end piece), not the plug portion 48, which is secured by threaded fasteners 54. Therefore, the limitation that the adapter piece is held by securing devices is not disclosed by Monti.

In light of the above discussion, claim 1 is not anticipated by Monti. As a result, dependent claims 2-7 are also not anticipated by Monti.

Because claim 10 also recites an adapter piece having a receiving chamber for receiving a turnbuckle, claim 10, and therefore claims 11-16, are not anticipated by Monti.

In addition, claim 10, as amended, recites that the disk-shaped end piece is fastened to the adapter piece by fasteners. This feature is not disclosed by Monti. Instead, the face portion (i.e. the alleged disk-shaped end piece) of Monti is integral with the plug portion 48 (i.e. the alleged adapter piece). Therefore, this feature of claim 10 is also not disclosed by Monti.

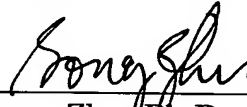
Claims 8, 9, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Monti in view of Summers (U.S. Patent 2,538,483). The propriety of this rejection depends on the propriety of the rejection under 35 U.S.C. §102(b). Because the rejection under 35 U.S.C. §102(b) is improper, this rejection is also improper.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #396/50809).

May 2, 2003

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